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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,393	11/21/2001	Michael Norman Collins	0100/0139	1317

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EXAMINER

MENDOZA, MICHAEL G

ART UNIT PAPER NUMBER

3761

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,393

Applicant(s)

COLLINS, MICHAEL NORMAN

Examiner

Michael G. Mendoza

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brain 5241956.
4. As to claim 1, Brain teaches a laryngeal mask assembly comprising: a tube; a mount at a patient end of the tube; and an annular sealing cuff extending around a patient end of the mount (see figure), wherein the tube and mount are an integral, single-piece component (col. 8, lines 10-18). It should be noted that Brain fails to teach wherein the airway tube and mount are molded together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to mold the airway tube and mount, since it has been held that forming in one piece an article which has formerly been formed in two piece and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).
5. As to claim 2, Brain teaches a laryngeal mask assembly according to claim 1, wherein the sealing cuff is attached with the mount by an adhesive (col. 8, lines 49-62).

6. As to claim 3, Brain teaches a laryngeal mask assembly according to claim 1 including an inflation line opening at one end into the sealing cuff, wherein the inflation line extends in a groove along an outside of the tube, and wherein the sealing cuff is inflatable and deflatable via the inflation line (see figure).

7. As to claim 5, Brain teaches a laryngeal mask assembly comprising: a tube; a mount at a patient end of the tube; an inflation line extending in a groove along the tube; an annular sealing cuff extending around a patient end of the mount in communication with the inflation line (see figure), wherein the tube and mount are molded together as an integral, single-piece component (col. 8, lines 10-18), and wherein the sealing cuff is attached with the mount as a separate component (col. 8, lines 49-62) and is adapted to seal with tissue in the region of the hypopharynx (see figure).

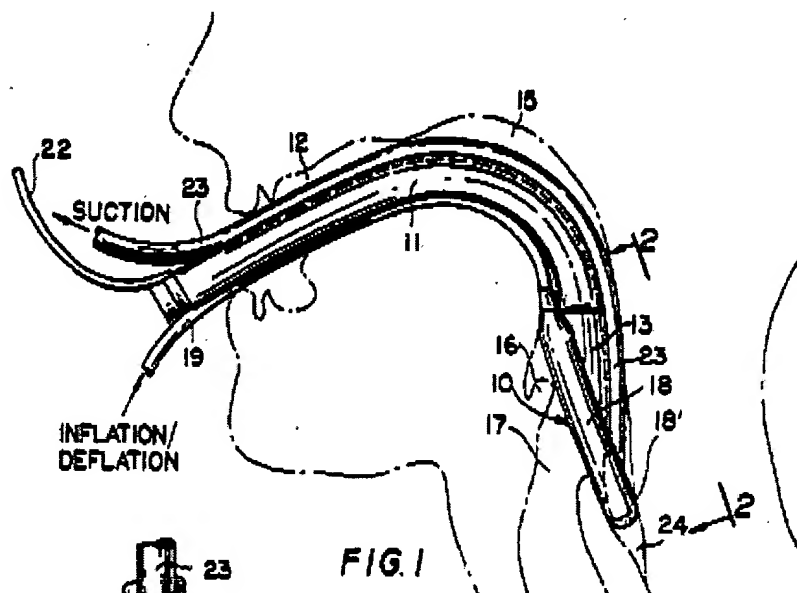
8. As to claim 6, Brain teaches a method of manufacture of a laryngeal mask assembly comprising the steps of: molding a tube and a mount integrally with the tube (col. 8, lines 10-18); and subsequently attaching a sealing cuff with the mount (col. 8, lines 49-62).

9. As to claim 7, Brain teaches a method of manufacture of a laryngeal mask assembly comprising the steps of: molding a tube and a mount integrally with the tube (col. 8, lines 10-18), the mount being of generally shoe-shape and having a patient end extending at an angle to an axis of the tube (see figure); and subsequently attaching a sealing cuff with the mount (col. 8, lines 49-62), the mount being shaped such that the cuff can seal with tissue in the region of the hypopharynx (see figure).

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10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brain in view of Sato 5,392,774.

11. As to claim 4, Brain teaches a laryngeal mask assembly according to claim 1. It should be noted the Brain fails to specifically teach wherein the tube and mount are molded of polyurethane. However, Sato does teach the use of polyurethane. Therefore it would have been obvious to one of ordinary skill in the art to allow the easy insertion and allow the tube to conform with the shape of the oral cavity (col. 4, lines 14-24).



Contacts


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael G. Mendoza whose telephone number is (703) 305-3285. The examiner can normally be reached on Mon.-Fri. 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aaron Lewis can be reached on (703) 308-0716. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-4520 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

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MM
March 12, 2003


WEILUN LO
SUPERVISORY PATENT EXAMINER
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